

1 KATHRYN KENEALLY
2 Assistant Attorney General

3 BORIS KUKSO
4 Trial Attorney, Tax Division
5 U.S. Department of Justice
6 P.O. Box 683, Ben Franklin Station
7 Washington, D.C. 20044-0683
8 Telephone: (202) 353-1857
9 Facsimile: (202) 307-0054
E-mail: boris.kukso@usdoj.gov

10 Of Counsel:

11 DANIEL G. BOGDEN
12 United States Attorney

13 *Attorneys for the United States of America*

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF NEVADA

16 DON JAY BLUNT,)
17 Plaintiff,) Civil No. 2:12-cv-2191-RCJ-NJK
18 v.)
19 UNITED STATES OF AMERICA,)
20 Defendant.)
21 _____)
22 UNITED STATES OF AMERICA,)
Counterclaim Plaintiff,)
v.)
DON JAY BLUNT,)
Counterclaim Defendant,)
and)
JENNIFER PELLIGRINO (formerly)
JENNIFER OLIVAS))
Additional Counterclaim Defendant.)
_____)

**NOTICE OF BANKRUPTCY AND
JOINT REQUEST FOR ORDER
STAYING CASE AND EXTENDING
DEADLINES**

AS AMENDED
PAGE 3

22 Defendant and Counterclaim Plaintiff United States of America (the "United States"),

1 and Plaintiff and Counterclaim Defendant Don J. Blunt (“Blunt”), through their respective
2 counsel, hereby file this NOTICE OF BANKRUPTCY and JOINT REQUEST FOR ORDER
3 STAYING CASE AND EXTENDING DEADLINES.

4 On December 24, 2012, Blunt filed a complaint seeking a refund of federal income taxes
5 and disputing the Internal Revenue Service’s assessments made against Blunt under 26 U.S.C.
6 § 6672. ECF No. 1. On March 1, 2013, the United States filed its Answer and Counterclaim
7 against Blunt. ECF No. 9. On March 22, 2013 the United States filed its Amended Answer and
8 Counterclaims against Blunt and against Jennifer Olivas (Pellegrino). ECF No. 11.

9 On April 2, 2013, Counterclaim Defendant Jennifer Olivas (Pellegrino) filed a voluntary
10 petition under Chapter 7 of the Bankruptcy Code (11 U.S.C) in the United States Bankruptcy
11 Court of District of Nevada, case No. 13-12765-bam (the “Bankruptcy Petition”). Pursuant to 11
12 U.S.C. § 362(a), filing of a bankruptcy petition operates as a stay of, among other things, “the
13 commencement or continuation, including the issuance or employment of process, of a judicial,
14 administrative, or other action or proceeding against the debtor.” 11 U.S.C. § 362(a)(1).

15 The Bankruptcy Petition was filed on April 2, 2013, after the United States named
16 Jennifer Olivas (Pellegrino) as an additional counterclaim defendant in this case, but before she
17 was served with the Counterclaim. No scheduling order has been issued in the case.

18 The undersigned attorney for the United States has contacted Ms. Olivas’ bankruptcy
19 counsel and will inform the Court if and when the automatic stay is lifted in respect to this
20 matter.

21 WHEREFORE, the United States and Blunt request that this matter be stayed and all
22

1 pending deadlines be extended until the bankruptcy stay is lifted or modified so as to allow this
2 matter to proceed against Ms. Olivas (Pellegrino). Counsel for the United States will notify the
3 Court within 14 days of any change in status.

4 Respectfully submitted on April 22, 2013.

5 KATHRYN KENEALLY
Assistant Attorney General

6 /s/ Boris Kuksa
BORIS KUKSO
Trial Attorney, Tax Division
7 U.S. Department of Justice

8 Of Counsel:
DANIEL G. BOGDEN
9 United States Attorney

10 *Attorneys for The United States of America*

LEWIS BRISBOIS BISGAARD & SMITH LLP

11 /s/ Jeffrey B. Setness
JEFFREY B. SETNESS, ESQ.
Nevada Bar No. 2820
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone Office: (702) 893-3383
Telephone Direct: (702) 693-1715
Facsimile: (702) 893-3789
E-Mail: jsetness@lbbslaw.com

12 *Attorney for Don Jay Blunt*

13 ORDER

14 Pursuant to Title 11, United States Code Section 362,

15 IT IS HEREBY ORDERED that this matter is stayed and all pending deadlines are
16 extended until the automatic stay in Case No. 13-12765-bam currently pending in the United
17 States Bankruptcy Court of District of Nevada is lifted or modified so as to allow this matter to
18 proceed against Ms. Olivas (Pellegrino). The Parties shall notify the Court as soon as the
stay in Case No. 13-12765-bam is lifted or
modified so as to allow this matter to proceed.

19 Dated: April 23, 2013

20 NANCY J. KOPPE
US Magistrate Judge

1 **CERTIFICATE OF SERVICE**

2 It is hereby certified that service of the foregoing **UNITED STATES' AMENDED**
3 **ANSWER AND COUNTERCLAIMS** has been made April 22, 2013 by placing copies in
the United States Mail addressed to the following:

4 JEFFREY B. SETNESS, ESQ.
5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118

8 *Attorney for Don Jay Blunt*

9 Christopher G. Gellner
10 528 South Casino Center Boulevard
11 Suite 305
12 Las Vegas, NV 89101

13 *Attorney for Jennifer Olivas (Pellegrino)*

14 /s/ Boris Kukso
15 BORIS KUKSO
16 Trial Attorney, Tax Division
17 United States Department of Justice